

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 5-8, 10, 11, and 13-16 are pending in this application. Claims 4 and 9 were previously canceled without prejudice or disclaimer and Claims 3 and 12 are being presently canceled without prejudice or disclaimer. Claims 1, 2, 5-8, and 13-15 have been amended without introducing any new matter.

The changes made to independent Claims 1, 2, and 13 simply incorporate subject matter similar to the subject matter previously presented by dependent Claim 6 (that has been rewritten in independent form to include the limitations from canceled independent Claim 3) and clarify clear inferences already contained in these claims. The changes made to independent Claims 7, 8, and 14, simply incorporate subject matter similar to the subject matter previously presented by dependent Claim 12 (that has been canceled) and also clarify clear inferences already contained in these claims. Further, Claims 5 and 15 are simply amended to eliminate dependency on canceled Claim 3 and replace it with dependency on rewritten independent Claim 6 that incorporates the previous limitations of canceled Claim 3. It is respectfully submitted that these changes do not require a new search, that they do not raise any issue of new matter, that the cancellation of Claims 3 and 12 reduces the issues on appeal, and that no other examination issues are raised by these changes. Accordingly, entry of this Amendment under 37 CFR § 1.116 is respectfully submitted to be clearly in order.

The outstanding Action presents a rejection of Claims 1-3, 5-8, and 10-16 under 35 U.S.C. §102(e) as anticipated by McCraday et al. (U.S. Patent No. 6,801,782, McCraday).

The rejection of Claims 3 and 12 as being anticipated by McCraday under 35 U.S.C. §102(e) is respectfully submitted to be moot as these claims have been canceled.

This rejection of Claims 1-3, 5-8, and 10-16 under 35 U.S.C. §102(e) as anticipated by McCradly, is traversed because in order to establish anticipation under 35 U.S.C. § 102, the U.S.PTO must cite a single prior art reference that discloses each and every element being claimed. See, e.g., *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.").

The disclosure relied upon by the patent office as to the requirement of each of the rejected claims for wireless units that perform data information transmission during a predetermined data communication period portion of a predetermined transmission frame period and that perform a distance measurement between particular wireless units during a ranging period portion of this predetermined transmission frame period separate from the data communication period portion appears to be the vague suggestion by McCradly that "the ranging pulses can be interleaved with voice and data messages."

However, the rejected claims require more than that the voice and data messages be simply "interleaved" in some unknown fashion with the ranging pulses. Instead of some undefined form of "interleaving," the rejected claims all require the presence of the claimed transmission frame with its "predetermined transmission frame period" and that this transmission frame must have a separate defined "data communication period portion" for just data communication and a separate defined "ranging period portion," defining when ranging signals are sent and when the distance between the wireless units is determined. As the manner of "interleaving" being merely suggested by McCradly is open to conjecture and is, thus, ambiguous, an anticipation rejection cannot be made. See, e.g., *In re Turlay*, 304 F.2d 893, 899, 134 USPQ 355, 360 (CCPA 1962). Also, all of the words of each of the claims must be considered. See *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496

(CCPA 1970).

Further in these last two respects, it is well established that the apparent conclusory findings that the suggested "interleaving" would be done as claimed to provide the claimed transmission frame with its "predetermined transmission frame period," with the further claimed separate "data communication period portion" for just data communication and separate "ranging period portion," omit an analysis as to all aspects of these claim limitations and the outstanding Action also fails to properly consider "means" limitations (as in Claims 2 and 7). *See Gechter v. Davidson* 43 USPQ2d 1030, 1035 (Fed. Cir. 1997) as follows:

For example, the [PTO] does not separately construe the term "agent status messages" before finding that [the reference] discloses just such "agent status messages." In addition, the [PTO] never construed the scope of the structures disclosed in the specification for the claimed "receiving means," nor did the [PTO] expressly find that the "receiving means" disclosed in the specification was structurally equivalent to that embodied in [the reference].

Also, Claims 6 and 12 were specific as to providing elimination of reflected signal effects by use of masking periods. No such subject matter is taught or suggested by McCradly.

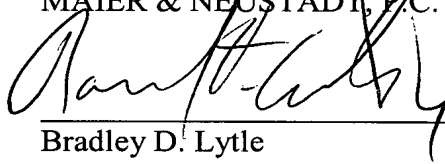
Accordingly, as the above-noted features specified by Claims 1, 2, 5-8, 10, 11, and 13-16 are not all taught by McCradly, this rejection of Claim 1, 2, 5-8, 10, 11, and 13-16 as being anticipated by McCradly is traversed and withdrawal thereof is respectfully requested.

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Reply to Office Action of 03/16/2007

As no further issues are believed to remain outstanding in the present application, it is believed that this application is clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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